

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES JOHNSON, #436190

Petitioner,

No. 08-CV-13741

vs.

Hon. Gerald E. Rosen

JOHN PRELESNIK,

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND  
DISMISSING PLAINTIFF'S HABEAS CORPUS ACTION

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on July 15, 2010

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This matter having come before the Court on the June 23, 2010 Report and  
Recommendation of United States Magistrate Judge Paul J. Komives recommending that  
the Court deny Plaintiff's petition for a writ of habeas corpus and that this case,  
accordingly, be dismissed; and no timely objections to the Magistrate Judge's Report and  
Recommendation having been filed; and the Court having reviewed the Magistrate  
Judge's Report and Recommendation and the Court's file of this action and having  
concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's  
petition for habeas corpus relief should be denied; and the Court being otherwise fully  
advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of June 23, 2010 [**Dkt. # 14**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's petition for habeas corpus relief **Dkt. # 1**] be, and hereby is **DENIED** and the above-captioned case, therefore, is **DISMISSED**.

As recommended by the Magistrate Judge,

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that leave to appeal *in forma pauperis* is **DENIED**.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: July 15, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 15, 2010, by electronic mail and upon James Johnson, #436190, Handlon Correctional Facility, 1728 Bluewater Highway, Ionia, MI 48846 by ordinary mail.

s/Ruth A. Gunther  
Case Manager